



General Assembly

January Session, 2015

Raised Bill No. 874

LCO No. 3111



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT CONCERNING THE DISPENSING OF FREE SAMPLES OF
WINE OR BRANDY AT FARM WINERIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 30-16 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (e) (1) A manufacturer permit for a farm winery shall be in all
5 respects the same as a manufacturer permit, except that the scope of
6 operations of the holder shall be limited to wine and brandies distilled
7 from grape products or other fruit products, including grappa and
8 eau-de-vie. As used in this section, "farm winery" means any place or
9 premises [.] that is located on a farm in the state in which wine is
10 manufactured and sold.

11 (2) Such permit shall, at the single principal premises of the farm
12 winery, authorize (A) the sale in bulk by the holder thereof from the
13 premises where the products are manufactured pursuant to such
14 permit; (B) as to a manufacturer who produces one hundred thousand

15 gallons of wine or less per year, the sale and shipment by the holder
16 thereof to a retailer of wine manufactured by the farm winery
17 permittee in the original sealed containers of not more than fifteen
18 gallons per container; (C) the sale and shipment by the holder thereof
19 of wine manufactured by the farm winery permittee to persons outside
20 the state; (D) the offering and tasting of free samples of such wine or
21 brandy, dispensed out of bottles or containers having capacities of not
22 more than two gallons per bottle or container, to visitors and
23 prospective retail customers for consumption on the premises of the
24 farm winery permittee; (E) the sale at retail from the premises of sealed
25 bottles or other sealed containers of such wine or brandy for
26 consumption off the premises; (F) the sale at retail from the premises of
27 wine or brandy by the glass and bottle to visitors on the premises of
28 the farm winery permittee for consumption on the premises; and (G)
29 subject to the provisions of subdivision (3) of this subsection, the sale
30 and delivery or shipment of wine manufactured by the permittee
31 directly to a consumer in this state. Notwithstanding the provisions of
32 subparagraphs (D), (E) and (F) of this subdivision, a town may, by
33 ordinance or zoning regulation, prohibit any such offering, tasting or
34 selling at retail at premises within such town for which a manufacturer
35 permit for a farm winery has been issued.

36 (3) A permittee, when selling and shipping wine directly to a
37 consumer in this state, shall: (A) Ensure that the shipping labels on all
38 containers of wine shipped directly to a consumer in this state
39 conspicuously state the following: "CONTAINS ALCOHOL –
40 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
41 DELIVERY"; (B) obtain the signature of a person age twenty-one or
42 older at the address prior to delivery, after requiring the signer to
43 demonstrate that he or she is age twenty-one or older by providing a
44 valid motor vehicle operator's license or a valid identity card described
45 in section 1-1h; (C) not ship more than five gallons of wine in any two-
46 month period to any person in this state; (D) pay, to the Department of
47 Revenue Services, all sales taxes and alcoholic beverage taxes due

48 under chapters 219 and 220 on sales of wine to consumers in this state,
49 and file, with said department, all sales tax returns and alcoholic
50 beverage tax returns relating to such sales; (E) report to the
51 Department of Consumer Protection a separate and complete record of
52 all sales and shipments to consumers in the state, on a ledger sheet or
53 similar form which readily presents a chronological account of such
54 permittee's dealings with each such consumer; (F) not ship to any
55 address in the state where the sale of alcoholic liquor is prohibited by
56 local option pursuant to section 30-9; and (G) hold an in-state
57 transporter's permit pursuant to section 30-19f or make any such
58 shipment through the use of a person who holds such an in-state
59 transporter's permit.

60 (4) No licensed farm winery may sell any such wine or brandy not
61 manufactured by such winery, except a licensed farm winery may sell
62 from the premises wine manufactured by another farm winery located
63 in this state.

64 (5) The farm winery permittee shall grow on the premises of the
65 farm winery or on property under the same ownership and control of
66 said permittee or leased by the backer of a farm winery permit or by
67 said permittee within the farm winery's principal state an average crop
68 of fruit equal to not less than twenty-five per cent of the fruit used in
69 the manufacture of the farm winery permittee's wine. An average crop
70 shall be defined each year as the average yield of the farm winery
71 permittee's two largest annual crops out of the preceding five years,
72 except that during the first seven years from the date of issuance of a
73 farm winery permit, an average crop shall be defined as three tons of
74 grapes for each acre of vineyard farmed by the farm winery permittee.
75 Such seven-year period shall not begin anew if the property for which
76 the farm winery permit is held is transferred or sold during such
77 seven-year period. In the event the farm winery consists of more than
78 one property, the aggregate acreage of the farm winery shall not be
79 less than five acres.

80 (6) A holder of a manufacturer permit for a farm winery, when
81 advertising or offering wine for direct shipment to a consumer in this
82 state via the Internet or any other on-line computer network, shall
83 clearly and conspicuously state such liquor permit number in its
84 advertising.

85 (7) A holder of a manufacturer permit for a farm winery may sell
86 wine manufactured from such winery at a farmers' market, as defined
87 in section 22-6r, that is operated as a nonprofit enterprise or
88 association, provided such farmers' market invites such holder to sell
89 wine at such farmers' market and such holder has a farmers' market
90 wine sales permit issued by the Commissioner of Consumer Protection
91 in accordance with the provisions of subsection (a) of section 30-37o.

92 (8) The annual fee for a manufacturer permit for a farm winery shall
93 be three hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	30-16(e)
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Statement of Purpose:

To reduce waste and encourage recycling by authorizing farm wineries to dispense free samples of wine or brandy from growlers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]